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2019-07-12 PM 1:30

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 18-3843

DIVISION "I"

SECTION: 14

THE SOUTHERN CENTER FOR ENVIRONMENTAL JUSTICE, INC. d/b/a DEEP SOUTH CENTER FOR ENVIRONMENTAL JUSTICE, VAYLA NEW ORLEANS, JUSTICE AND BEYOND, 350 NEW ORLEANS, SIERRA CLUB, MR. THEODORE QUANT, AND MS. RENATE HEURICH

VERSUS

THE COUNCIL OF THE CITY OF NEW ORLEANS, THE UTILITY, CABLE, TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE OF THE NEW ORLEANS CITY COUNCIL, JASON R. WILLIAMS, HELENA MORENO, JOSEPH I. GIARRUSSO, JAY H. BANKS, KRISTIN GISLESON PALMER, JARED C. BROSSETT, AND CYNDI NGUYEN

FILED:

DEPUTY CLERK

MOTION FOR SUSPENSIVE APPEAL

NOW INTO COURT, through undersigned counsel, come defendants The Council of the City of New Orleans; The Utility, Cable, Telecommunications and Technology Committee of the New Orleans City Council; Jason R. Williams; Helena Moreno; Joseph I. Giarrusso; Jay H. Banks; Kristin Gisleson Palmer; Jared C. Brossett; and Cyndi Nguyen (hereinafter, the "Council"), who respectfully move the Court for a suspensive appeal from the Court's July 2, 2019 Judgment in the above-captioned matter, as set forth below:

1.

On July 2, 2019, the Court entered a Judgment in favor of Plaintiffs, finding a violation of the Louisiana Open Meetings Law, La. R.S. § 42:11, *et seq.* and declaring that the action of the Utility, Cable, Telecommunications and Technology Committee of the New Orleans City Council on February 21, 2018 and the March 8, 2018 action of the New Orleans City Council adopting Council Resolution No. R-18-65 are void. *See* Notice of Signing of Judgment, attached hereto as "Exhibit A."

2.

The July 2, 2019 Judgment is a final judgment pursuant to article 1841 of the Louisiana Code of Civil Procedure.

VERIFIED  
Eloise Hunter  
7-9-2019

3.

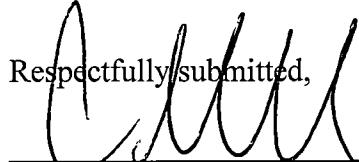
The City desires to suspensively appeal the Court's July 2, 2019 Judgment and seeks an order granting its Motion for Suspensive Appeal and setting a return date for the appeal in the appellate court, pursuant to article 2121 of the Louisiana Code of Civil Procedure.

4.

The City further requests that the Court fix no security for the City's suspensive appeal of the July 2, 2019 Judgment. In accordance with La. R.S. § 13:4581, these proceedings arise from the New Orleans City Council's discharge of its official duties under the Louisiana Constitution and the City of New Orleans' Home Rule Charter. Therefore, the City "shall not be required to furnish any appeal bond or any other bond in any judicial proceedings instituted by or brought against them."

**WHEREFORE**, the City prays that the Court grant its Motion for Suspensive Appeal.

Respectfully submitted,

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**CORWIN ST. RAYMOND, LSB #31330**  
DEPUTY CITY ATTORNEY  
**WILLIAM R.H. GOFORTH, LSB #33153**  
ASSISTANT CITY ATTORNEY  
**CHURITA H. HANSELL, LSB #25694**  
CHIEF DEPUTY CITY ATTORNEY  
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CITY ATTORNEY  
**1300 Perdido Street, Ste. 5E03**  
**New Orleans, Louisiana 70112**  
**Telephone: 504-658-9920**  
**Facsimile: 504-658-9868**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the above and foregoing pleading(s) have been forwarded to opposing counsel by facsimile, electronic mail, or by depositing a copy of same in the U.S. Mail, postage prepaid this 8<sup>th</sup> day of July, 2019.

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**CORWIN ST. RAYMOND**

FILED

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CIVIL

DISTRICT COURT

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 18-3843

DIVISION "I"

SECTION: 14

THE SOUTHERN CENTER FOR ENVIRONMENTAL JUSTICE, INC. d/b/a DEEP  
SOUTH CENTER FOR ENVIRONMENTAL JUSTICE, VAYLA NEW ORLEANS,  
JUSTICE AND BEYOND, 350 NEW ORLEANS, SIERRA CLUB,  
MR. THEODORE QUANT, AND MS. RENATE HEURICH

VERSUS

THE COUNCIL OF THE CITY OF NEW ORLEANS, THE UTILITY, CABLE,  
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE OF THE NEW  
ORLEANS CITY COUNCIL, JASON R. WILLIAMS, HELENA MORENO, JOSEPH I.  
GIARRUSSO, JAY H. BANKS, KRISTIN GISLESON PALMER, JARED C. BROSSETT,  
AND CYNDI NGUYEN

FILED:

DEPUTY CLERK

ORDER

Considering the foregoing Motion for Suspensive Appeal:

**IT IS ORDERED** that the Defendants' Motion for Suspensive Appeal be and hereby is  
**GRANTED**. The return date of the appeal in the appellate court is set forth within the delays  
allowable by law. Pursuant to Louisiana Revised Statute § 13:4581, Defendants shall furnish no  
security for the suspensive appeal granted herein.

This \_\_\_\_\_ day of \_\_\_\_\_, 2019, New Orleans, Louisiana.

\_\_\_\_\_  
THE HONORABLE PIPER D. GRIFFIN  
DISTRICT COURT JUDGE, DIVISION "I"

VERIFIED

Civil District Court for the Parish of Orleans  
STATE OF LOUISIANA

FILED

No: 2018 - 03843

2018 JUN 4 2018 I-14  
Division/Section: I-14

DEEP SOUTH CENTER FOR ENVIRONMENTAL JUSTICE ET AL ET AL  
versus DISTRICT COURT  
THE COUNCIL OF THE CITY OF NEW ORLEANS ET AL ET AL

Date Case Filed: 4/19/2018

NOTICE OF SIGNING OF JUDGMENT

TO:

Alexander H Bollag Esq 34447  
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2332 Dublin St  
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In accordance with Article 1913 C.C.P., you are hereby notified that Judgment  
in the above entitled and numbered cause was signed on July 2, 2019

New Orleans, Louisiana  
July 2, 2019

*Edward J. Johnson, Jr.*  
MINUTE CLERK  
VERIFIED

EXHIBIT

tabbies

A

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS  
STATE OF LOUISIANA

CASE NO. 18-3843

DIVISION "T"

Section 14

THE SOUTHERN CENTER FOR ENVIRONMENTAL JUSTICE, INC. d/b/a DEEP SOUTH  
CENTER FOR ENVIRONMENTAL JUSTICE, VAYLA NEW ORLEANS,  
JUSTICE AND BEYOND, 350 NEW ORLEANS, SIERRA CLUB,  
MR. THEODORE QUANT, AND MS. RENATE HEURICH

VERSUS

THE COUNCIL OF THE CITY OF NEW ORLEANS, THE UTILITY, CABLE,  
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE OF THE NEW ORLEANS  
CITY COUNCIL, JASON R. WILLIAMS, HELENA MORENO, JOSEPH I. GIARRUSSO,  
JAY H. BANKS, KRISTIN GISLESON PALMER, JARED C. BROSSETT, AND CYNDI  
NGUYEN

FILED: \_\_\_\_\_

Deputy Clerk

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**JUDGMENT**

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Petitioners' Amended Petition to Enforce the Louisiana Open Meetings Law, for  
Declaratory Judgment, Injunction, and Attorneys' Fees and Costs came before this Court for  
hearing on July 19, 2018.

Present at the hearing in court were:

William Quigley, Monique Harden, Alexander Bollag, Susan Stevens Miller, and  
Jill Tauber, for petitioners; and  
Corwin St. Raymond, William Goforth, and Cherrell S. Taplin, for defendants.

After considering the pleadings and memoranda filed with this Court, the evidentiary  
record, and the arguments of counsel, this Court announced its ruling in open court on June 14,  
2019. The Court explained this judgment is to make sure that "citizens voices are heard" at City  
Council meetings. Regarding the February 21, 2018 meeting of the Utilities, Cable,  
Telecommunications and Technology Committee of the New Orleans City Council ("UCTTC")  
and the March 8, 2018 meeting of the New Orleans City Council (the "Council"), the Court found  
that the Council "did nothing wrong." The Court acknowledged the Council's own investigatory  
findings that, as a result of Entergy New Orleans' actions, "paid citizens were present" at public

meetings held on October 16, 2017 and February 21, 2018. The Court further found that “Entergy’s actions undermined” the Open Meetings Laws, La. R.S. 42:11, *et seq.* Finally, the Court found that “the Open Meetings Laws were not adhered to as relates to the meaning and policy behind the Open Meetings Laws.”

Regarding the February 21, 2018 meeting of the Utilities, Cable, Telecommunications and Technology Committee of the New Orleans City Council, the Court finds that the Open Meetings Law was violated.

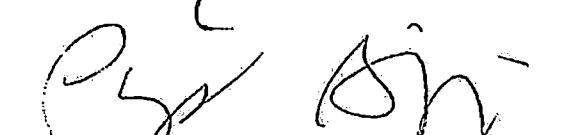
Regarding the March 8, 2018 meeting of the New Orleans City Council, the Court *does not* find that the Open Meetings Law was violated. However, the February 21, 2018 action was a necessary component of the full council’s decision to adopt Resolution No. 18-65. As such, the full council’s vote to adopt the resolution was void *ab initio*.

IT IS ORDERED, ADJUDGED AND DECREED that, for the reasons stated in open court on June 14, 2019, there be judgment in FAVOR of petitioners, The Southern Center for Environmental Justice, Inc. d/b/a Deep South Center for Environmental Justice, VAYLA New Orleans, Justice and Beyond, 350 New Orleans, Sierra Club, Mr. Theodore Quant and Ms. Renate Heurich, and AGAINST defendants, The Council of the City of New Orleans, the Utility, Cable, Telecommunications, and Technology Committee of the New Orleans City Council, Jason R. Williams, Helena Moreno, Joseph I. Giarrusso, Jay H. Banks, Kristin Gisleson Palmer, Jared C. Brossett, and Cyndi Nguyen; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that, for the reasons stated in open court on June 14, 2019, the action of the then-sitting members of the UCTTC at its February 21, 2018 meeting is VOID; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that, for the reasons stated in open court on June 14, 2019, the action of the then-sitting members of the New Orleans City Council adopting Council Resolution No. R-18-65 at a March 8, 2018 meeting is VOID.

New Orleans, Louisiana, this 2<sup>nd</sup> day of July 2019.

  
THE HONORABLE PIPER D. GRIFFIN  
DISTRICT COURT JUDGE, DIVISION "P"

A TRUE COPY  
  
Deputy Clerk, Civil District Court  
Parish of Orleans  
State of LA